

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ZHANG YANG, Individually and  
On Behalf of All Others Similarly  
Situated,**

**Plaintiff,**

**V.**

**NOBILIS HEALTH CORP., HARRY  
FLEMING, DAVID YOUNG, and  
KENNETH J. KLEIN,**

## Defendants.

**Case No: 4:19-cv-00145**

**Judge Andrew S. Hanen**

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR  
LEAVE TO FILE SUR-REPLY**

Defendants Nobilis Health Corp., Harry Fleming, David Young and Kenneth J. Klein believe that their Motions to Dismiss have been fully briefed, and that the filing of a sur-reply by Plaintiff is both unnecessary and wasteful. Moreover, it is worth noting that Plaintiff previously sought, *see* Dkt. 30, to force the four Defendants in this action to limit their Motions to Dismiss to a single 20-page filing in spite of the fact that the individual Defendants' roles and involvement in the events made issue in this case varied significantly.

That being said, to the extent that the Court is inclined to allow Plaintiff to file a sur-reply, Defendants respectfully request that (1) such filing be made quickly, (2) the filing be only a short document, and (3) Defendants be given the option of filing a short response of their own, if necessary.

Respectfully submitted,

**SMYSER KAPLAN & VESELKA, L.L.P.**

By: /s/ Tyler G. Doyle

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### **CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule 5.1 on August 6, 2019.

/s/ Tyler G. Doyle

Tyler G. Doyle